

DISTRICT III ADVISORY BOARD

MINUTES

Wednesday, October 2, 2002 7:00 p.m.
Colvin Neighborhood City Hall, 2820 S. Roosevelt

Members Present

Chantelle Brennen
Phyllis Hall
Gene Fuhr
Jim Gulick
Judy Dillard
Matt Foley
John Kemp
Bill Ward
Lois Ann Newman

Staff

Vicki Mork

Members Absent

Council Member Phil Lambke
Phil Bloomquist

ORDER OF BUSINESS

Call to Order

Bill Ward, First Chair *Pro Temp* called the meeting to order at 7:01 pm. He rearranged the order of business as staff from the City Clerk's office was expected to swear in the DAB members.

Staff Presentations

3. **Sgt. Walker Andrews** introduced two new Community Policing Officers, **Officer Long Nguyen**, Beat 33 Coordinator is taking Officer Crouch's place and **Officer Matt Young**, Beat 35 Coordinator is taking Officer Butler's place. Officer Nguyen has 5 ½ years experience with WPD and has been a member of the SCAT team in the past, he will work in the Planeview area. Officer Young has 7 ½ years of law enforcement experience with 3 years with WPD. He will be working in the Hilltop area.

Officer Jeff Andres was also in attendance but had no issues to report.

4. **Matt Jordan Assistant to the City Manager** said his last visit at Colvin was regarding the nuisance abatement and he's back with a more explosive and controversial issue. He introduced Fire Marshall Ed Bricknell and Fire Chief Garcia who will provide technical expertise.

Jordan told the DAB members the City of Wichita is requesting guidance on which of the four policy options regarding fireworks should be adopted for 2003. Matt reviewed issue background saying that many Americans feel it is a constitutional right to shoot off fireworks

but other citizens complain about the noise and that it goes on for days, frightens pets and is a fire hazard. This past year the city suffered the loss of a Salvation Army building worth \$200,000 as a result of fireworks. The sales and import of much larger and more powerful fireworks in small towns and unincorporated areas around Wichita are especially problematic because they are brought in and shot off even though it is against the law. Enforcing the law becomes a very challenging issue.

Option A is the complete ban of fireworks and reflects the existing Fire Code, however it is difficult, if not impossible to enforce and very costly.

Option B fireworks banned except for during a specific time period.-an active neighborhood patrol would be required and efforts increased during this time period to ensure that only legal fireworks are being shot off. Jordan believes this is the easiest way to enforce fireworks.

Option C calls for maintaining the status quo with normal police patrol and limited enforcement.

Option D allows all types of consumer grade fireworks to be shot off. The possible cost of this option could include increased property losses and injuries.

A more aggressive enforcement effort for illegal fireworks will have increased costs, primarily for overtime expenses, it is estimated they would be \$10,000, at minimum, for increasing the Police Department presence during the 4th of July holiday.

Chief Garcia stated the real crux of the problem is that illegal fireworks are sold all around Wichita; people buy them and bring them into Wichita. In his travels around Wichita on the 4th of July he encountered countless adults that sanctioning “private shows” of illegal fireworks in neighborhood cul-de-sacs, streets etc. This creates a problem and there seems to be little that Wichita can do about it.

Chief Garcia continued saying if citizens want to ban or limit fireworks they have to ask parents and grandparents to enforce the new policy with their children and grandchildren. He stated he would recommend banning all fireworks and cited the \$200,000 loss of the Salvation Army building this past July 4th due to fireworks. He says bottle rockets and shake shingle roofs don’t mix.

DAB member **Hall** asked about repercussions of a fireworks ban on the vendors, the city staff agreed there would be a response. **Gulick** asked if the Salvation Army fire was a result of a legal or illegal firework. **Chief Garcia** replied that no firework shooting over 6 foot tall was allowed within the city limits.

Gulick asked how a new policy would affect the importation of illegal fireworks from outside the city. **Jordan** replied the new policy would be implemented for Wichita and then move the sphere of influence outwards through the county. **Chief Garcia** said there had been a three-year multi effort on fireworks including education; media efforts and enforcement. **Gulick** stated he doesn’t see how an absolute ban on fireworks can be

effective. **Chief Garcia** replied that there won't be a magically compliant response but citizens must demand adherence and parents have to do their part also.

Kemp suggested the City of Wichita investigate banning the sale of fireworks in the small cities surrounding Wichita with the threat of some kind of impact. **Ward** inquired about the successful fireworks ban implemented by Denver. **Jordan** replied the potential fire danger is so much greater in Denver that enforcement efforts are much more aggressive. **Foley** stated that fireworks were a real problem in Hilltop Manor. **Gulick** asked about the State Fire Marshall's position and **Chief Garcia** replied they consider it a local matter. Many of the DAB members related experiences with illegal fireworks this past holiday. **Jordan** reminded the group of the importance of responding to this issue and stating a preferred policy as time was slipping by.

Action Taken: Motion made to refer matter back to Neighborhood Associations for input before selecting an option. Kemp (Gulick) Motion passed 8-0

Approval of Minutes

It was determined that no representative was forthcoming to swear District III DAB members in for another year and that business would proceed.

A motion was made to approve the September minutes by Dillard (Gulick). Passed unanimously 8-0

Public Agenda

1. No items scheduled.

- 2. John Kemp** asked to be recognized. He apologized for his actions at the last DAB meeting. He believes he could have responded more appropriately to the tabling of the planning issue at the last meeting. He said he just lost it as he had been fighting City Hall on this issue for the past 15 years and he thought it was an opportunity to advance one step forward. He apologized to CM Lambke for putting him on the spot he intends to remain on the DAB board until he's kicked off.

He says he has a letter to pass around for all of the DAB members who care to sign it. It states the opposition of District III DAB members to a permit extension for the Construction and Demolition landfill. The letter will be given to Mayor Knight and the Council members before they consider this matter on November 6th. The letter will formally state the opposition of DAB III in the matter of the planning case.

Foley said that the time and length of the last meeting along with the length of Mr. Kaplan's remarks prevented him from saying all that he wanted to say about the issue. **Dillard** disagreed saying that most everything was said last time. **Hall** stated that she didn't think DAB III views were heard. **Ward** reviewed a staff memo regarding the progress of this planning case, no petitions were received from the property within 200 feet of the C & D Landfill; 33 appeals were filed regarding this case, 26 of them were received timely; a 2/3's

majority of the council will be required to overturn the MAPC recommendation or the Council could return the matter to the MAPC for reconsideration; no further testimony will be heard on this planning case when the City Council considers the matter on November 6th.

Kemp stated his neighborhood association; K-15 had hired a lawyer who is affiliated with the Sierra Club to fight the permit extension. **Hall** asked if anyone knew how many people's health had been affected by the C & D landfill? **Foley** stated that since Cornejo & Sons do a lot of business with the city they have a greater responsibility. **Melissa Frazier, 3050 S. Volutsia** stated she had lived at this address for the past 10 years during that time she has collected trash that has blown over from the dump and she has seen her son's allergies worsen. She observed she doesn't see dumps going into higher income neighborhoods.

Kemp said there was a motion left on the table from the previous meeting., **Ward** asked for a motion,

Action Taken: Gulick (Foley) moved that the question be called. It had been moved that DAB III deny the requested permit extension. Dillard (Hall) It passed unanimously with 8 members in favor of the denial and no opposed.

Planning

5. **Donna Goltry , MAPD** presented **CUP2002-00033 – Amend Parcel 6 of DP-93 Spencer Gardens C.U.P. to allow a car wash.** This case is a request to remove the restriction prohibiting a car wash on Parcel 6, the amendment is also required for a Conditional Use approval to site a proposed car wash within 200 feet of residential zoning. She stated the owner bought the property with the intention of establishing a car wash, apparently without the knowledge that a specific ban had been enacted when the CUP was established. A request for conditional use also had to be made as the property is within 200 ft. from a residential neighborhood.

Goltry focused on two issues: 1) was this an appropriate location for car wash 2) if approved what design will be most compatible. DAB board did know the case had already gone before MAPC and they voted to deny. **Hall** asked if buyers didn't have a right to know if the property was zoned in this way.

Kemp (Gulick) moved that DAB III uphold staff recommendation to deny the amendment and **Foley** offered friendly amendment to support previous City and County exclusions of car washes and all other prohibited inclusions, which was accepted.

Karen Smith, 2240 S. Crestway stated that there was also the possibility of vehicle sales and service, as the plan referred to future possible oil change bays. **Ward** removed himself from voting due to possible conflict of interest.

Recommended Action: MAPD recommends denial, motion to uphold MAPC's denial passed 8-0.

Public Agenda Items

2. **Gulick** relayed his story about WPD action on Mt. Vernon. Beat officers wrote some tickets and then implemented a police action for 2½ hours and issued 44 tickets. He made the point that people could see the radar unit and still didn't slow down. He went on to talk about what it's going to take to impact the firework problem. He stated that people don't seem to recognize mainly going west there's a problem with right turners at Clifton and Mt. Vernon.

Kemp asked for contributions for the K-15 legal defense fund.

Motion made by Kemp (Gulick) to adjourn at 8:26 pm. Passed 8-0. Meeting adjourned.

Visitors

Bill & Goldie Barnes	2707 S. Hillside
Ted Keehn	1327 S. Pershing
Kristian Burns	1329 Bluffview
Terry Strickland	2330 S. Pershing
Dewey Smith	2244 S. Pershing
Al Gene Meyer	2232 S. Pershing
Jeff Spahn	3601 E. Mt. Vernon
Officer Jeff Andres	WPD South
Officer Long Nguyen	WPD East
James & Kerin Smith	2240 S. Crestway
Donna Goltry	MAPD
Joanne Robinson	3232 S. Clifton #445
Pat Pickard	K-15 Assn
Melissa Frazier	K-15
Jean Wikle	3330 Crystal St.